

REMARKS

The Examiner is thanked for the withdrawal of the previous rejection and for the thorough examination of the present application. The patentability of the claims is discussed in greater detail below. Favorable reconsideration is respectfully requested.

I. Claims 1-22, and 28 are Patentable

The Examiner rejected independent claims 1, 2, 3, 20, 21, 22, and 28 as anticipated by U.S. Patent No. 5,319,754 to Meinecke et al. ("Meinecke"). The MPEP § 2131 defines the standard for anticipation as follows:

The identical invention must be shown in as complete detail as is contained in the ... claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an ipsissimis verbis test, i.e., identity of terminology is not required. In re Bond, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

The Examiner asserts that "Meinecke discloses inherent flow control of the devices (col. 5, lines 39-50)", which is incorrect because that passage in Meinecke actually states that "the high speed interface also comprises unique inherent flow control of digital information". The digital information in Meinecke is provided by "the data concentrators to initiate a fail-safe global flow control state to prevent overflow of data coming in from all the remote devices

connected to a particular data concentrator" (column 5, lines 12-15).

In contrast, claim 1, for example, recites in part, "a control line communicating flow control information either in the transmit mode to at least one of the preceding signal processing units or in the receive mode to at least one of the following signal processing units". In other words, the claimed control line for each signal processing unit communicates flow control information to another signal processing unit, either preceding or following a given signal processing unit, and which other signal processing unit is selected, preceding or following, is based upon the mode of the given signal processing unit at a particular time. Obviously this is far different than Meinecke's global flow control that affects all remote devices and which operates unidirectionally for each device, e.g. only during the data concentrator's receive mode and only during the remote devices' transmit mode. It is also noted that HSRT's 48 and 72 are not the data concentrators, which provide the unique inherent flow control of digital information. The Examiner failed to cite the data concentrators in any relationship with the HSRT's. Independent claims 2, 3, 20, 21, 22, and 28 recite elements similar to claim 1.

As such, the prima facie case of anticipation fails because the identical invention is not shown in as complete detail as is contained in the claims since the elements cited by the Examiner fail to read on each and every claimed element.

In the case of an obviousness rejection, the Examiner should note that Meinecke teaches away from the Applicants' invention, and because Meinecke's principal of operation of would have to change, which is impermissible.

Accordingly, it is submitted that independent claims 1, 2, 3, 20, 21, 22, and 28 are patentable over the prior art. Their respective dependent claims, which recite yet further distinguishing features, are also patentable over the prior art and require no further discussion herein.

V. CONCLUSIONS

In view of the forgoing remarks, it is respectfully submitted that this case is now in condition for allowance and such action is respectfully requested. If any points remain at issue that the Examiner feels could best be resolved by a telephone interview, the Examiner is urged to contact the attorney below.

No fee is believed due with this Amendment, however, should a fee be required please charge Deposit Account 50-0510. Should any extensions of time be required, please consider this a petition thereof and charge Deposit Account 50-0510 the required fee.

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Respectfully submitted,
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